

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

### GOVERNMENT OF GOA

#### Department of Personnel

#### Notification

1/2/81-PER (Vol. I)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing recruitment rules for the posts, the Governor of Goa hereby makes the following rules relating to recruitment to the Group 'C' Non-Ministerial posts in the Institute of Psychiatry & Human Behaviour, Government of Goa, namely:—

#### 1. Short title, application and commencement:—

(1) These rules may be called the Government of Goa, Institute of Psychiatry & Human Behaviour, Group 'C' Non-Gazetted, Non-Ministerial posts, Recruitment Rules, 1991.

(2) *Application:* These rules shall apply to the posts specified in Column 1 of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of publication in the Official Gazette.

#### 2. Number, classification and scales of pay:—

The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule:

Provided that the Government may vary the number of posts in Column 2 of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications:*—The method of recruitment to the said

posts, age limit, qualifications and other matters connected therewith shall be as specified in Columns 5 to 13 of the said Schedule.

4. *Disqualification:*—No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that such marriage is permissible under the personal Law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax:*—Where the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Goa Public Service Commission relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving:*—Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).  
Panaji, 20th May, 1991.

## SCHEDULE

Name/ Designation of post	Number of posts	Classi- fication	Scale of Pay	Whether Selection post or non- Selection post	Age limit for direct recruits	Whether the benefit of added years of service is admissi- ble under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & edu- cational qualifica- tions pre- scribed for the direct recruits will apply in the case of promotees	Period of pro- bation if any	Method of recruitment whe- ther by direct recruitment or by promotion or by deputation/trans- fer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputa- tion/transfer, grades from which promo- tion/deputation/ transfer is to be made	If a D.P.C. exists, what is its com- position	Circums- tances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Female Handi- craft Instruc- tor.	1 (1991) sub- ject to varia- tion depen- dent on work- load.	Group 'C' (Non- -Minis- terial) (Non- -Gazet- ted).	Rs. 1400- 40-1800- -EB-50- -2300.	N. A.	Not exceed- ing 35 years (Relaxable for Govern- ment ser- vants in accordance with the instructions or orders issued by the Govern- ment).	—	<i>Essential:</i>  i) XIIth Dressmaking embroidery and fa- shion co-ordination and vocational course from Goa Board of Secondary & Higher Secondary Education failing which S.S.C.E. with Diploma or Na- tional certificate in Handicraft from a recognised Institu- tion.  <i>Desirable:</i>  i) 3 years experience in a line.  ii) Knowledge of Kon- kani and/or Marathi.	N. A.	Two years.	By direct re- cruitment.	N. A.	N. A.	N. A.
E. E. G. Techni- cian.	1 (1991) sub- ject to varia- tion depen- dent on work- load.	Group 'C' (Non- -Minis- terial) (Non- -Gazet- ted).	Rs. 1200- 30-1560- -EB-40- -2040.	N. A.	Not exceed- ing 35 years (Relaxable for Govern- ment ser- vants in accordance with the instructions or orders issued by the Govern- ment).	—	<i>Essential:</i>  1. XIIth passed with Electronics Repair Technician as voca- tion course from Goa Board of Secondary & Higher Secondary Education failing which with ITI certi- ficate in Electronics.  <i>Desirable:</i>  1. Experience of three years in the said field.  2. Knowledge of Kon- kani and/or Marathi.	N. A.	Two years.	By direct re- cruitment.	N. A.	N. A.	N. A.

## Notification

9/10/92-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor of Goa is pleased to make the following rules for regulating the re-deployment of surplus staff against vacancies in posts under the Government of Goa. Group C and D as follows, namely:—

1. *Short title, commencement and application.*—

(1) These rules may be called the Goa Re-deployment of Surplus Staff against Vacancies of Group C and D Posts Rules, 1993.

(2) They shall come into force at once.

(3) They shall apply to all Government employees and also to employees working on ad-hoc/casual work charged or contract basis.

2. *Definitions.*— In these rules, unless the context otherwise requires,—

(a) 'CELL' means The Goa (Surplus Staff) CELL in the Personnel Department of the Secretariat;

(b) 'Surplus staff' means persons who have been rendered surplus as a result of,—

- (i) introduction of Administrative Reforms;
- (ii) studies by the Economy Committee constituted for this State;
- (iii) studies of work measurement or other administrative reforms undertaken by the Government Departments/Offices;
- (iv) abolition or winding up of an organisation of the Government.

3. *Re-deployment of surplus staff.*— (1) All vacancies of Group C and D posts under the Government of Goa which are required to be filled by direct recruitment, otherwise than on the basis of competitive examination held by the Goa Public Service Commission, shall be filled from amongst the Surplus Staff sponsored by the Cell.

(2) The Government Department or office shall notify all vacancies in writing to the Cell giving below mentioned particulars, where practicable, in respect of each type of vacancy.

1. Name and address of Department/Office ...
2. Name of vacancy ...
  - a) Type of employee required (designation) ...
  - b) Description of duties ...
  - c) Qualification required ...
    - i) Essential ...
    - ii) Desirable ...
  - d) Age limit if any ...
  - e) Whether women are eligible ...
3. Number of vacancies —
  - i) Regular ...
  - ii) Temporary ...
4. Pay allowances ...

5. Place of work (Name of District/Town/Village in which it is situated) ...

6. Probable date by which the vacancy will be filled ...

7. Particulars regarding interview ...

8. Designation and address of the officer to whom the employee should report ...

(3) The Government Department/Office shall ensure that the vacancy required to be notified to the Cell, shall be notified atleast 15 days before the date on which the surplus staff may be redeployed, if found suitable for the post.

(4) A surplus staff sponsored for re-deployment shall not get the benefit of his past seniority in his parent Department. However, the service rendered by such person in the Government, shall be counted towards his pensionary benefits.

(5) A surplus staff sponsored for re-deployment after considering his suitability by the Chief Secretary, shall ordinarily be appointed against the vacant post. If for any specific reasons, the competent authority finds such surplus staff not fit in the particular post, detailed reasons in that behalf shall be recorded and communicated to the Cell.

4. *Age limit.*— The maximum age limit prescribed for direct recruitment to Group C and D posts may be deemed to have been relaxed in the case of surplus staff redeployed through the Cell.

5. *Educational Qualification.*— (1) The surplus staff sponsored by the CELL for re-deployment against the vacancies of Group C and D posts under the Government of Goa shall not be subject to any tests or interview for the purpose of appointment unless otherwise decided in consultation with the Cell.

(2) The surplus staff shall not be ineligible for appointment in recipient organisation on the ground that they do not possess the minimum educational qualification prescribed for the posts to which they are redeployed by the Cell except in cases where certain minimum technical qualifications are prescribed for a particular post.

6. *Medical Examination.*— The surplus staff redeployed by the CELL shall not be required to undergo fresh medical examination unless different medical standards have been prescribed for the post in the recipient Department or Office or unless the person concerned had not been medically examined in respect of his previous post or, if examined, had been declared medically unfit.

7. *Pay.*— A Government servant who on being declared surplus is retrenched and appointed to another post carrying identical scale of pay, his pay shall be fixed in accordance with the Government of India, Ministry of Finance O. M. No. F. 1 (25)-E. III(A)/64 dated 23-7-1968 reproduced below F. R. 22. However, if such a Government servant is appointed from a higher post to a lower post then he shall be allowed the facility of drawing his pay in his previous pay scale while working in the new post on the lines to Government of India, Ministry of Home Affairs Memo No. 1/10/68-C. S. (III) dated 4-12-1968.

8. *Power of the Chief Secretary.*—The Chief Secretary shall be the competent authority to sponsor against a vacancy to be filled by direct recruitment, suitable surplus staff from the Surplus Staff Cell and shall decide about the suitability or otherwise of surplus staff for redeployment against vacancies of Group C and D respectively in the Department and offices of the Government.

9. *Amendment of Recruitment Rules.*—All rules regulating the recruitment of persons to Group C and D posts shall be deemed to have been amended to the extent provided for in these rules.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Personnel).  
Panaji, 16th July, 1993.

### Agriculture Department

#### Order

10-1-79-AGR/Vol. VIII

Order No. Nil dated 9-11-1992 issued under Fertiliser (Control) Order 1985 is hereby republished in the Official Gazette for information of the public.

S. S. Keshkamat, Under Secretary (Agriculture).  
Panaji, 18th January, 1993.

### GOVERNMENT OF INDIA

#### MINISTRY OF AGRICULTURE

(Department of Agriculture and Cooperation)

New Delhi

#### ORDER

S. O. 826(E). In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Fertiliser (Control) Order, 1985, namely:—

1. (1) This Order may be called the Fertiliser (Control) (Third Amendment) Order, 1992.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In Schedule-I to the Fertiliser (Control) Order, 1985 (hereinafter referred to as the said Order),

(1) under the heading "Part-A. Specifications of fertiliser" under sub-heading "1. (f). Micronutrients" after serial number 10 and the entries relating thereto, the following serial number and entries shall be inserted, namely:—

Name of Fertiliser	Specifications
"11. Magnesium Sulphate	i) Free flowing-crystalline form. ii) Matter insoluble in water, per cent by weight, maximum. 1.0

Name of Fertiliser	Specifications
iii) Magnesium (as Mg), per cent by weight, minimum.	9.6
iv) Lead (As pb), per cent by weight, maximum.	0.003
v) PH (5% solution).	5.0-8.0"

(2) under the heading "part-B. Tolerance limit in plant nutrient for various fertilisers", after serial No. 7 and the entries relating thereto, the following serial numbers and entries shall be added, namely:—

"8. For Magnesium Sulphate 0.1".

3. In Schedule II to the said Order, under the heading "Part B. Method of Analysis of Fertilisers", after the sub-heading "18. Determination of Total Chlorides in Potassium Sulphate by Silver Nitrate Volumetric Method" and the serial numbers and entries thereto, the following Sub-heading, serial numbers and entries shall be inserted, namely:—

"19. Methods of Analysis of Magnesium Sulphate:

(i) *Quality of Reagents:* Unless specified otherwise, pure chemicals & glass distilled or demineralised water shall be used in tests.

(ii) *Determination of Magnesium:* (A) Atomic Absorption Spectrophotometric method.

(a) Reagents.—(1) Hydrochloric acid 0.5 N.

(2) Magnesium Standard Solution: Dissolve 1.013 g Magnesium Sulphate (MgSO<sub>4</sub>. 7H<sub>2</sub>O) in 0.5 N hydrochloric acid solution and dilute to 100 ml with this acid in a volumetric flask. This is 1000 ppm magnesium stock solution.

(3) Strontium Chloride solution: Dissolve 15 g strontium chloride (Sr Cl<sub>2</sub>. 6H<sub>2</sub>O) in 0.5 N hydrochloric acid and dilute to 100 ml with the same solvent.

(b) Preparation of working Standards: (1) Pipette 2.1 ml of 1000 ppm magnesium stock solution to 100 ml capacity volumetric flask and make up the volume with 0.5 N hydrochloric acid. This is 10 ppm Magnesium Solution.

(2) Pipette the following volume of 10 ppm magnesium solution in 100 ml numbered volumetric flask. Add 10 ml of strontium chloride solution to each flask and make up the volume to 100 ml with 0.5 N hydrochloric acid.

Flask No.	Volume of 10 ppm Mg solution taken (ml)	Volume of Strontium chloride added (ml)	Concentration Mg (ppm) after making the volume to 100 ml.
1.	0.0	10	0.0
2.	2.0	10	0.2
3.	4.0	10	0.4
4.	6.0	10	0.6
5.	8.0	10	0.8
6.	10.0	10	1.0

(c) *Procedure. (1) Preparation of sample solution*

- (A) Weight 1 of the sample and place in a 500 ml volumetric flask. Add about 300 ml water and boil for 30 minutes. Allow to cool, dilute to the mark with water, mix & filter.
- (B) Pipettes 5 ml of the filtrate (A) into a 100 ml volumetric flask, make up to the mark with water and mix.
- (C) Transfer by pipette 5 ml of the diluted filtrate (B) into 100 ml volumetric flask and make up to the mark with 0.5 N HCl.

(2) Blank solution:— Prepare a blank solution from which only the sample has been omitted.

(3) Flaming of solution:— Flame the standard and sample solutions on Atomic Absorption.

Spectrophotometer at wavelength of 285.2 m using Air Acetylene flame.

## Calculations:

Plot the calibration curve using the mean absorbance on Y-axis and the corresponding concentrations of Magnesium (ppm) on X-axis. Determine the concentration of Magnesium in the sample by reference to the calibration curve.

$$\text{Magnesium per cent} = 20X$$

Where X = concentration of Magnesium (in ppm) obtained from the standard curve.

(B) *Titrimetric method (EDTA Titrations)* (Applicable to the samples which do not contain phosphate as impurity).

(a) Reagents: (1) Buffer solution (PH-10.0) — Dissolve 67.5 g ammonium chloride in 200 ml of distilled water, add 570 ml ammonia solution and dilute to 1 litre.

(2) Potassium hydroxide — Potassium cyanide solution — Dissolve 280 g potassium hydroxide and 66 g Potassium cyanide in 1 litre of distilled water.

(3) Potassium cyanide solution (2%) — Dissolve 2 g potassium cyanide in 100 ml of distilled water.

(4) Eriochrome black I indicator solution — Dissolve 0.2 g of indicator in 50 ml of methyl alcohol containing 2 g of hydroxylamine hydrochloride.

(5) Calcium standard solution (1 mg/ml) — Dissolve 2.4973 g calcium carbonate Primary standard grade, previously dried for 7 hours at 285°C in HCl (1-10). Dilute to 1 litre with distilled water.

(6) Calcein indicator mixture — Grind together 1 g calcein indicator (2', 7-bis (bis (Carboxy-methyl) amino) methyl-) fluorescein, sodium derivative sodium salt), 10 g charcoal and 100 g potassium chloride.

(7) Disodium dihydrogen ethylene diamine tetra acetic acid standard solution (0.4%) — Dissolve 4 g Na<sub>2</sub>H<sub>2</sub>EDTA in 1 litre of distilled water.

(8) Triethanolamine (1+1).

(9) Potassium ferrocyanide solution (4%) — Dissolve 4 g potassium ferrocyanide in 100 ml of distilled water.

(b) *Standardization of Calcium solution:—* (1) Pipette 10 ml calcium standard solution into 250 ml erlenmeyer flask.

(2) Add 100 ml of distilled water, 10 ml KOH-KCN solution, 2 drops of triethanolamine solution, 5 drops of potassium ferrocyanide solution and 15+1 mg of calcein indicator.

(3) Immediately place the flask on a magnetic stirrer in front of daylight fluorescent light with white background.

(4) While stirring, titrate with EDTA solution to disappearance of all fluorescent screen and until solution remains pink. Titrate more than 3 aliquots. From average, calculate calcium titer value: Calcium

$$\text{Titer} = \frac{\text{Volume of calcium standard solution (ml)}}{\text{Volume of EDTA solution used (ml)}}$$

From calcium titer, calculate magnesium titer value as follows:

$$\text{Magnesium titer} = \text{Calcium titer} \times 0.6064.$$

(c) *Preparation of sample solution:—* (1) Weight 1 g magnesium sulphate fertilizer sample into 250 ml volumetric flask.

(2) Add 200 ml of distilled water and boil for 30 minutes.

(3) Cool dilute to volume with water and mix.

(d) *Procedure:—* (1) Titration for Ca+Mg.

(A) Pipette 25 ml of aliquots in 250 ml erlenmeyer flask.

(B) Dilute with 100 ml of distilled water.

(C) Add 5 ml of buffer solution (PH 10), 2 ml potassium cyanide solution, 2 drops of triethanolamine solution, 5 drops of potassium ferrocyanide solution and 8 drops of eriochrome black T indicator solution.

(D) Titrate immediately with EDTA solution, stirring and lighting as in standardisation. Colour changes are wine, red, purple, dark blue, to clear blue end point, becoming green if over titrated. Note the volume of EDTA used as V1 ml.

(2) Titration for Calcium:

(A) Pipette 25 ml of aliquot in 250 ml. erlenmeyer flask.

(B) Dilute with 100 ml of water.

(C) Add 10 ml KDH-KCN solution, 2 drops of triethanolamine solution, 5 drops of potassium ferrocyanide solution and 15+1 mg of calcein indicator.

(D) Titrate immediately with EDTA solution in standardization. Note the volume of EDTA used as V2 ml.

## Calculation:

Magnesium percent =  $(VI-v2) \times \text{Mg Titer EDTA}$ .

(Reference: ADAC, 14th edition, 1984").

Sd/-

(SANTHA SHEELA NAIR)

Joint Secretary to the  
Government of India

No. 1-9/92-Fert. Law

Seet Note:— The Fertiliser (Control) Order, 1985 was published vide G. S. R. 758 (E) dated 25th September, 1985 and subsequently amended by,—

- (i) G.S.R. 201(E) dated 14th February, 1986.
- (ii) G.S.R. 508(E) dated 19th March, 1986.
- (iii) G.S.R. 1160(E) dated 21st October, 1986.
- (iv) S.O. 822(E) dated 14th September, 1987.
- (v) S.O. 1079(E) dated 11th December, 1987.
- (vi) S.O. 252(E) dated 11th March, 1988.
- (vii) S.O. 724(E) dated 28th July, 1988.
- (viii) S.O. 725(E) dated 28th July, 1988.
- (ix) S.O. 940(E) dated 11th October, 1988.
- (x) S.O. 498(E) dated 29th June, 1989.
- (xi) S.O. 581(E) dated 27th June, 1989.
- (xii) S.O. 673(E) dated 25th August, 1989.
- (xiii) S.O. 738(E) dated 15th September, 1989.
- (xiv) S.O. 140(E) dated 12th February, 1990.
- (xv) S.O. 271(E) dated 29th March, 1990.
- (xvi) S.O. 403(E) dated 23rd May, 1990.
- (xvii) S.O. 675(E) dated 31st August, 1990.
- (xviii) S.O. 261(E) dated 16th April, 1991.
- (xix) S.O. 444(E) dated 2nd July, 1991.
- (xx) S.O. 530(E) dated 16th August, 1991.
- (xxi) S.O. 795(E) dated 22nd November, 1991.
- (xxii) S.O. 377(E) dated 29th May, 1992.
- (xxiii) S.O. 534(E) dated 20th July, 1992.

Fisheries Department

Notification

BFDA/B-4

In exercise of the powers conferred by sub-section (3) of section 1 of the Goa (Brackish Water) Fish Farming Regulation Act, 1991 (Goa Act 9 of 1992)

(hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the 1st day of August, 1993 is the date on which the said Act shall come into force.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Fisheries).

Panaji, 20th August, 1993.

Department of Community Development and Panchayats

Notification

1/15(10)/84-F&A

In exercise of the powers conferred by section 65 read with section 83 of the Goa, Daman and Diu Village Panchayats Regulation, 1962 (Regulation No. 9 of 1962), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971, namely:—

1. *Short title and Commencement.*— (1) These rules may be called the Goa Village Panchayats (Regulation of Buildings) (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of rule 3.*— In sub-rule (3) of rule 3 of the Goa, Daman and Diu Village Panchayats (Regulation of Buildings) Rules, 1971 (hereinafter referred to as the "principal Rules"), clauses (aa) and (b) shall be omitted.

3. *Amendment of Appendix "A".*— In the principal Rules, for Appendix "A", the following shall be substituted, namely:—

APPENDIX 'A'

- |                  |   |
|------------------|---|
| I. Tiswadi Block | <ul style="list-style-type: none"> <li>1. Goltim-Navelim</li> <li>2. Sao Matias</li> <li>3. St. Estevao</li> <li>4. Cumbarjua</li> <li>5. Se Old Goa</li> <li>6. Corlim</li> <li>7. Carambolim</li> <li>8. Azzosim-Mandur</li> <li>9. Neura</li> <li>10. Sao Lawrence (Agacaim)</li> <li>11. St. Andre (Goa Velha)</li> <li>12. Batim</li> <li>13. Siridao-Palem</li> <li>14. Taleigao</li> <li>15. Curca-Bambolim-Talaulim</li> <li>16. St. Cruz</li> <li>17. Mercas</li> <li>18. Chodan-Madel</li> <li>19. Chimbél</li> </ul> |
| II. Bardez Block | <ul style="list-style-type: none"> <li>1. Camurlim</li> <li>2. Colvale</li> <li>3. Revora</li> <li>4. Nadora</li> <li>5. Pirna</li> <li>6. Assonora</li> <li>7. Tivim-Sirsaim</li> </ul>  |

8. Moira-Nachinola
9. Aldona
10. Pomburpa-Olaulim
11. Ucassaim-Paliem-Punola
12. Nerul
13. Saligao
14. Guirim
15. Bastora
16. Parra
17. Arpora-Nagoa
18. Anjuna-Caisua
19. Assagao
20. Verla-Canca
21. Oxel
22. Socorro
23. Siolim-Sodiem
24. Siolim-Marna
25. Sangolda
26. Pilerne-Marra
27. Reis-Magos
28. Salvador-do-Mundo
29. Penha-de-France
30. Calangute
31. Candolim

- III. Mormugao Block
1. Majorda-Utorda-Calata
  2. Verna-Nagoa
  3. Cortalim
  4. Cansaulim
  5. Velsao-Pale
  6. Chicalim
  7. Sancoale

- IV. Salcete Block
1. Nuvem
  2. Raia
  3. Loutolim
  4. Colva
  5. Cana-Benaulim
  6. Seraulim
  7. Orlim
  8. Davorlim-Dicarpale
  9. St. Jose de Ariel
  10. Betalbatim
  11. Varca
  12. Carmona
  13. Cavelossim
  14. Navelim
  15. Aquem-Baixo

- V. Ponda Block
1. Bandora
  2. Quela
  3. Curti-Candepar
  4. Usgao-Gangem

- VI. Bicholim Block
1. Sanquelim-Harvalem-Virdi

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Panchayats).

Panaji, 17th August, 1993.

#### Revenue Department

#### Notification

16/37/84-RD-Vol. I

In exercise of the powers conferred by item (vi) of clause (b) of section 2 of the Goa, Daman and

Diu Public Moneys (Recovery of Dues) Act, 1986 (Act 10 of 1987) (hereinafter referred to as the said Act) the Government of Goa hereby notifies the corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act 40 of 1980) as a bank for the purposes of the said Act.

By order and in the name of the Governor of Goa.

B. N. Bhut, Under Secretary (Revenue) to the Government of Goa.

Panaji, 17th August, 1993.

#### Public Health Department

#### Order

13/8/87-II/PHD

Read: Government Order No. 1/20/80-PHD dated 24-2-81.

Government is pleased to declare the post of Community Psychiatrist created vide order No. 1/20/80-PHD dated 24-2-81 in the pre-revised scale of Rs. 1100-50-1500-60-1800 and subsequently revised to Rs. 3000-100-3500-125-4500/- as a teaching post.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji, 16th August, 1993.

#### Notification

9/11/88-III/PHD(3)

In exercise of the powers conferred by clause (g) (7) of section 2 of the Mental Health Act, 1987 (Central Act 14 of 1987) (hereinafter called the 'said Act'), the Government of Goa hereby specifies the Director of Institute of Psychiatry and Human Behaviour to be the Licensing Authority for the purposes of the said Act.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Health).

Panaji 20th July, 1993.

#### Department of Labour

#### Notification

21/33/90-LAB

Whereas certain draft rules, further to amend the Goa, Daman and Diu Maternity Benefit Rules, 1967, were published as required by sub-section (1) of section 28 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961), in the Official Gazette,

No. 45, Series 1, dated 4-2-1993, under the Notification No. 21/33/90-LAB dated 19-1-1993 of the Department of Labour, Government of Goa, Secretariat Panaji, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of 45 days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 4-2-1993;

And whereas no objections or suggestions were received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 28 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu Maternity Benefit Rules, 1967, namely:

1. *Short title and commencement.*—(1) These rules may be called the Goa Maternity Benefit (Amendment) Rules, 1993.

(2) They shall come into force at once.

2. *Amendment of rule 2.*—In rule 2, of the Goa, Daman and Diu Maternity Benefit Rules, 1967,—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) “Competent Authority” means the Commissioner, Labour,” (ii) for clause (c), the following clause shall be substituted, namely:—

“(c) “Establishment” means —

- (i) factory as defined under section 2(m) of the Factories Act, 1948;
- (ii) plantation as defined under section 2(f) of the Plantations Labour Act, 1951;
- (iii) shops and establishments as defined under the Goa, Daman and Diu Shops and Establishments Act, 1973, in which ten or more persons are employed or were employed on any day of the preceding twelve months”.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 27th July, 1993.

Finance (Revenue & Control) Department

#### Notification

5-13-93-FIN(R&C)

In exercise of the powers conferred by sub-section (2) of section 10 of the Goa Sales Tax Act, 1964

(Act 4 of 1964) (hereinafter referred to as the ‘said Act’), the Government of Goa hereby amends the Second Schedule appended to the said Act, as follows, namely:—

In the Second Schedule appended to the said Act, in entry 54, for the word “Condoms”, the following words and figure shall be substituted, namely:—

“Condoms/Oral Contraceptive Pills”.

By order and in the name of the Governor of Goa.

Prabha Chandran, Under Secretary (Finance-Exp.).

Panaji, 13th August, 1993.

#### Notification

5/15/93-Fin (R&C)

The following draft amendment which is proposed to be made to the Goa Sales Tax Rules, 1964, is hereby pre-published as required by sub-section (1) of section 36 of the Goa Sales Tax Act, 1964 (Act 4 of 1964), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of ten days from the date of publication of this Notification in the Official Gazette.

All objections and suggestion to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Finance (Rev. & Cont.) Department, Secretariat, Panaji, before the expiry of ten days from the date of publication of this Notification in the Official Gazette.

#### DRAFT AMENDMENT

In exercise of the powers conferred by section 36 of the Goa, Sales Tax Act, 1964 (Act 4 of 1964), and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Sales Tax Rules, 1964, namely:—

1. *Short title and commencement.*—(1) These rules may be called the Goa Sales Tax (Second Amendment) Rules, 1993.

(2) They shall come into force with immediate effect.

2. *Amendment of rule 13.*—In rule 13 of the Goa Sales Tax Rules, 1964.

(i) in proviso below sub-rule (1a), after the words and figures “Provided that the dealers/dealer referred to” and before the word “above” the following words and figures shall be inserted, namely:—

“in sub-rules (1) and (1A)”; and

(ii) in the Explanation below the proviso to sub-rule (1A), for the words “this sub-rule” the



following words and figures shall be substituted, namely: —

“sub-rules (1) and (1A)”.

By order and in the name of the Governor of Goa.

Prabha Chandran, Under Secretary (Fin-Exp.).

Panaji, 17th August, 1993.

### Law (Legal and Legislative Affairs) Department

#### Notification

10-2-92/LA

The Foreign Exchange Regulation (Amendment) Ordinance, 1993 (No. 9 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 8-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 25th February, 1993.

### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 8th January, 1993

Pausa 18, 1914 (Saka)

### THE FOREIGN EXCHANGE REGULATION (AMENDMENT) ORDINANCE, 1993

No. 9 of 1993

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance further to amend the Foreign Exchange Regulation Act, 1973.

Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Foreign Exchange Regulation (Amendment) Ordinance, 1993.

(2) It shall come into force at once.

2. *Amendment of long title.* — In the Foreign Exchange Regulation Act, 1973 46 of 1973. (hereinafter referred to as the principal Act), in the long title, the words “and bullion” shall be omitted.

3. *Omission of sections 11 and 12.* — Sections 11 and 12 of the principal Act shall be omitted.

4. *Amendment of section 13.* — In section 13 of the principal Act, —

(a) in sub-section (1), the words “any gold or silver or” shall be omitted;

(b) in sub-section (2), the words “gold, jewellery or precious stones or” shall be omitted.

5. *Omission of sections 15 and 17.* — Sections 15 and 17 of the principal Act shall be omitted.

6. *Amendment of section 18.* — In section 18 of the principal Act, after sub-section (10), the following *Explanation* shall be inserted, namely: —

*‘Explanation.* — For the purposes of this section, “goods” includes gold, silver, jewellery and precious stones.”.

7. *Insertion of new section 18A.* — After section 18 of the principal Act, the following section shall be inserted, namely: —

“18A. *Payment for lease, hire or other arrangement.* — (1) No person shall, except with the general or special permission of the Reserve Bank, take or send out by land, sea or air any goods from India to any place on lease or hire or under any arrangement other than sale or disposal in any other manner of such goods.

(2) The provisions of section 18 shall, so far as may be, apply to the taking or sending out of goods under sub-section (1).”.

8. *Amendment of section 19.* — In section 19 of the principal Act, —

(a) in sub-section (1), clause (c) shall be omitted;

(b) in sub-section (4), clause (c) shall be omitted;

(c) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely: —

“(5) Notwithstanding anything contained in any other law, no transfer of any share, bond or debenture of a company registered in India made by a person resident outside India or by a national of a foreign State to another person resident in India shall be valid unless such transfer is confirmed by the Reserve Bank on an application made to it in this behalf by the transferor or the transferee.

(6) If the Reserve Bank is of opinion that it is necessary or expedient in the public interest so to do, it may, by general or special permission, exempt any transfer referred to in sub-section (5) or any class of such transfers from the operation of the provisions of that sub-section, subject to such conditions, if any, as may be specified in such permission.”.

9. *Omission of sections 20 and 21.* — Sections 20 and 21 of the principal Act shall be omitted.

10. *Amendment of Section 22.*—In section 22 of the principal Act, the words “The Central Government may, by notification in the Official Gazette, order that” shall be omitted.

11. *Omission of section 23.*—Section 23 of the principal Act shall be omitted.

12. *Amendment of section 25.*—In section 25 of the principal Act,—

(a) in sub-section (1), for the words “permission of the Reserve Bank”, the words “general or special permission of the Reserve Bank” shall be substituted;

(b) sub-section (3) shall be omitted.

13. *Substitution of new section for section 26.*—For section 26 of the principal Act, the following section shall be substituted, namely:—

“26. *Certain provisions as to guarantee in respect of debt or other obligation.*—Except with the general or special permission of the Central Government or the Reserve Bank, no person resident in India shall give a guarantee in respect of any debt or other obligation or liability—

(i) of a person resident in India, and due or owing to a person resident outside India, or

(ii) of a person resident outside India.”

14. *Omission of section 27.*—Section 27 of the principal Act shall be omitted.

15. *Amendment of section 28.*—In section 28 of the principal Act,—

(a) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:

“(1) Without prejudice to the provisions of section 47 and notwithstanding anything contained in any other provision of this Act or the Companies Act, 1956, a person resident outside India (whether a citizen of India or not) or a person who is not a citizen of India but is resident in India, or a company (other than a banking company) which is not incorporated under any law in force in India or any branch of such company, shall not, except with the general or special permission of the Reserve Bank, act, or accept appointment, as agent in India of any person or company, in the trading or, commercial transactions of such person or company.

(2) Where any such person or company (including its branch) as is referred to in sub-section (1) acts or accepts appointment as such agent without the permission of the Reserve Bank, such acting or appointment shall be void.”

(b) in the *Explanation*, clause (d) shall be omitted.

16. *Amendment of section 29.*—In section 29 of the principal Act,—

(a) in sub-section (1), the words “or in which the non-resident interest is more than forty per cent.” shall be omitted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) A company (other than a banking company) in which the non-resident interest is more than forty per cent., shall not, except with the general or special permission of the Reserve Bank, carry on in India any activity relating to agriculture or plantation or acquire the whole or any part of any undertaking in India of any person or company carrying on any activity relating to agriculture or plantation or purchase the shares in such company.”

(c) after sub-section (4), for the *Explanation*, the following *Explanation* shall be substituted, namely:—

‘*Explanation.*—For the purposes of this section,—

(i) “company” has the same meaning as in clause (b) of the *Explanation* to section 28;

(ii) “non-resident interest” means participation in the share capital by, or entitlement to the distributable profits of, any individual or company resident outside India, or any company not incorporated under any law in force in India, or any branch of such company whether resident outside India or not.”

17. *Amendment of section 30.*—In section 30 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) No national of a foreign State shall, without the previous permission of the Reserve Bank, practise any profession or carry on any occupation, trade or business in India in a case where such national desires to acquire any foreign exchange (such foreign exchange being intended for remittance outside India) out of any moneys received by him in India by reason of the practising of such profession or the carrying on of such occupation, trade or business, as the case may be.”

18. *Amendment of section 31.*—In section 31 of the principal Act, in sub-section (1), the words “or in which the non-resident interest is more than forty per cent.” shall be omitted.

19. *Omission of section 32.*—Section 32 of the principal Act shall be omitted.

20. *Amendment of sections 35, 37, 46 and 62.*—In sections 35, 37, 46 and 62 of the principal Act, for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted.

5 of 1898.

2 of 1974.

21. *Amendment of section 41.* — In section 41 of the principal Act, —

(a) for the words "one year", wherever they occur, the words "six months" shall be substituted;

(b) after clause (ii), the following proviso shall be inserted, namely: —

"Provided that the aforesaid period of six months may, for reasons to be recorded in writing, be extended by the Director of Enforcement for a further period not exceeding six months."

22. *Amendment of section 42.* — In section 42 of the principal Act, —

(a) in sub-section (1), in clause (i), after the word and figures "section 18", the words, figures and letter "or section 18A" shall be inserted;

(b) after sub-section (3), the following sub-sections shall be inserted, namely: —

"(4) Where any foreign currency, being the subject-matter of any investigation or proceeding referred to in sub-section (1), is in the custody of an officer of Customs or of an officer of Enforcement or of a court, the Collector of Customs, the Director of Enforcement or, as the case may be, the court may, having regard to the security-risk involved in such custody, direct that the foreign currency be deposited in a bank in such manner as he or it may deem fit.

(5) Where any draft, cheque (including traveller's cheque) or other instrument is to be encashed under sub-section (1) or any foreign currency is to be deposited in a bank under sub-section (4), the Collector of Customs, the Director of Enforcement or, as the case may be, the court, may prepare or cause to be prepared an inventory of such draft, cheque or other instrument or foreign currency containing such details relating to its description, mark, numbers, country of origin and other particulars as may appear to be relevant to its identity in any proceeding under this Act and where the inventory is prepared or cause to be prepared by the Collector or the Director, the Collector or, as the case may be, the Director shall make an application to a Magistrate for the purpose of —

(a) certifying the correctness of the inventory so prepared; or

(b) taking, in the presence of the Magistrate photographs of such draft, cheque, other instrument or foreign currency, and certifying such photographs as true.

(6) Where an application is made under sub-section (5), the Magistrate shall, as soon as may be, allow the application."

23. *Amendment of section 43.* — In section 43 of the principal Act, in sub-section (5), the words and figures "and to a person to whom a licence has been granted or deemed to have been granted under section 32" shall be omitted.

24. *Amendment of section 45.* — In section 45 of the principal Act, —

(a) in sub-section (1), for the words and figures "Code of Criminal Procedure, 1893, any police officer not below the rank of a Sub-Inspector of Police", the words and figures "Code of Criminal Procedure, 1973, any police officer not below the rank of a Deputy Superintendent of Police" shall be substituted; 5 of 1898. 2 of 1974.

(b) in sub-section (3), for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898. 2 of 1974.

25. *Amendment of section 50.* — In section 50 of the principal Act, for the word and figures "section 18", the words, figures and letter "section 18, section 18A" shall be substituted.

26. *Amendment of section 52.* — In section 52 of the Principal Act, —

(a) in sub-section (2), after the words "Any person aggrieved by such order may," the words "on payment of such fee as may be prescribed and" shall be inserted;

(b) in sub-section (6), in the second proviso, for the words "fifty thousand rupees", the words "two lakhs and fifty thousand rupees" shall be substituted.

27. *Amendment of section 53.* — In section 53 of the principal Act, in sub-section (2), for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898. 2 of 1974.

28. *Amendment of section 56.* — In section 56 of the principal Act, —

(a) in sub-section (1), for the word and figures "section 18", the words, figures and letter "section 18, section 18A" shall be substituted;

(b) in sub-sections (2) and (3), for the word and figures "section 18" wherever they occur, the words, figures and letter "section 18 or section 18A" shall be substituted;

(c) in sub-section (6), for the words and figures "the first proviso to section 188 of the Code of Criminal Procedure, 1898", the words and figures "the proviso to section 188 of the Code of Criminal Procedure, 1973" shall be substituted. 5 of 1898. 2 of 1974.

29. *Amendment of section 58.* — In section 58 of the principal Act, —

(a) in sub-section (1), for the words "be punishable with fine which may extend to two thousand rupees", the words "be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both" shall be substituted;

(b) in sub-section (2), for the words "two thousand rupees", the words "ten thousand rupees" shall be substituted.

30. *Amendment of section 61.*—In section 61 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for any metropolitan magistrate and for any magistrate of the first class to pass a sentence of imprisonment for a term exceeding three years or of fine exceeding five thousand rupees on any person convicted of an offence punishable under section 56." 2 of 1974.

31. *Amendment of section 64.*—In section 64 of the principal Act, in sub-sections (1) and (2), for the word and figures "section 18", the words, figures and letter "section 18, section 18A," shall be substituted.

32. *Amendment of section 66.*—In section 66 of the principal Act, in sub-section (1), for the words and figures "section 562 of the Code of Criminal Procedure, 1898", the words and figures "section 360 of the Code of Criminal Procedure, 1973 shall be substituted." 5 of 1898. 2 of 1974.

33. *Amendment of section 67.*—In section 67 of the principal Act, for the word and figures "section 18", the words, figures and letter "section 18, section 18A" shall be substituted.

34. *Amendment of section 71.*—In section 71 of the principal Act, in sub-section (3), for the words "two hundred and fifty rupees", the words "fifteen thousand rupees" shall be substituted.

35. *Amendment of section 73.*—In section 73 of the principal Act, in sub-section (3), the words and figures "persons referred to in sub-section (1) of section 32" shall be omitted.

36. *Insertion of new section 73A.*—After section 73 of the principal Act, the following section shall be inserted.

"73A. *Penalty for contravention of direction of Reserve Bank or for failure to file returns.*—Where any authorised dealer contravenes any direction given by the Reserve Bank under this act or fails to file any return as directed by the Reserve Bank, the Reserve Bank may, after giving a reasonable opportunity of being heard impose on the authorised dealer a penalty which may extend to ten thousand rupees and in the case of continuing contravention with an additional penalty which may extend to two thousand rupees for every day during which such contravention continues."

37. *Amendment of section 74.*—In section 74 of the principal Act, in clause (i), for the figures and word "9, 10 or 11", the figures and word "9 or 10" shall be substituted.

38. *Amendment of section 79.*—In section 79 of the principal Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

"(dd) prescribed the fee payable by a person preferring appeal to the Appellate Board under sub-section (2) of section 52;"

SHANKER DAYAL SHARMA,  
President.

A. C. C. UNNI,  
Additional Secretary to the Govt. of India.

#### Notification

10-2-92/LA

The Madhya Pradesh Lottery Pratibhand Ordinance, 1993 (No. 17 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th February, 1993.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 25th January, 1993/  
Magha 5, 1914 (Saka)

#### THE MADHYA PRADESH LOTTERY PRATIBANDH ORDINANCE, 1993

No. 17 of 1993

Promulgated by the President in the Forty-third Year of the Republic of India.

An Ordinance to ban all lotteries in the State of Madhya Pradesh.

Whereas by a proclamation issued on the 15th day of December, 1992 by the President under article 356 of the Constitution, the powers of the Legislature of the State of Madhya Pradesh have been declared to be exercisable by or under the authority of Parliament;

And whereas the Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 to provide for the aforesaid matters was promulgated by the Governor on the 18th November, 1992;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore in exercise of the powers conferred by clause (1) of article 123 of the constitution and of all other powers enabling him in that

behalf, the President is pleased to promulgate the following Ordinance: —

1. *Short title and commencement.* — (1) This Ordinance may be called the Madhya Pradesh Lottery Pratibandh Ordinance, 1993.

(2) It shall come into force at once.

2. *Definitions.* — In this Ordinance, unless the context otherwise requires, —

(a) “agent” means and includes Main Stockist or, by whatever name called, who may be an individual or a group of persons or a company registered under the Companies Act, 1956 or a partnership firm entrusted with the responsibility of sale of State Lottery tickets on an agency basis on behalf of the State Government;

(b) “lottery” means a scheme for distribution of prizes by lot or chance to those persons participating in the chances of a prize by purchasing tickets;

(c) “promoters”, in relation to a lottery, includes an organiser or any person having control on the conduct of a lottery;

(d) “tickets” includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

3. *Ban on lottery.* — Notwithstanding any agreement or contract entered into by the State Government with any person, no person shall be permitted to deal with in the trade or business of lottery or be an agent or promoter in respect of any lottery, nor shall he sell, distribute or purchase any lottery ticket within the territory of Madhya Pradesh.

4. *Penalty.* — If any person acts as an agent or a promoter or a trader in lottery or sells, distributes or purchases the lottery tickets, he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

5. *Other offences in connection with lottery.* — If any person with a view to the promotion or conduct of any lottery —

(a) prints or publishes any ticket, coupon or other document for use in the lottery; or

(b) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the lottery; or

(c) prints, publishes or distributes or has in his possession for the purpose of publication or distribution —

(i) any advertisement of the lottery; or

(ii) any list (whether complete or not) of prize winners in the lottery; or

(iii) any such matter descriptive of, or otherwise relating to the lottery as is calculated to act as an inducement to persons to participate in that lottery;

(d) brings, or invites any person to send, into the territories of Madhya Pradesh for the purpose of sale or distribution; any ticket, coupon or other document for use in, or any advertisement of lottery; or

(e) sends or attempts to send, out of Madhya Pradesh any money or valuable things received in respect of the sale or distribution of any ticket, coupon or other document for use in the lottery; or

(f) uses any premises, or causes or knowingly permits any premises to be used for purposes connected with the promotion or conduct of the lottery; or

(g) causes or procures or attempts to procure any person to do any of the above mentioned acts,

he shall be punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees, or with both.

6. *Offences by companies.* — (1) If the person committing an offence under this Ordinance is a company, the company as well as every person who was in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the Commission of the offence is attributable to any neglect on the part of any Director, Manager, Secretary or other Officer of the Company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* — For the purposes of this Section —

(a) “Company” means any body corporate and includes a firm or other association of individuals;

(b) “Director” in relation to a firm, means a partner in the firm.

7. *Power of entry and search.* — (1) It shall be lawful for any police officer not below the rank of a Sub-Inspector authorised by the State Government in this behalf by general or special order in writing —

(a) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary, any premises which he has reason to suspect are being used for purposes connected with the promotion or conduct of any lottery in contravention of the provisions of this Ordinance;

(b) to search the premises and the person whom he may find therein;

(c) to take into custody and produce before a Magistrate all such persons whom he has reason to believe to be guilty of an offence punishable under this Ordinance or against whom a reasonable complaint has been made, or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with or with the promotion or conduct of any lottery in contravention of the provisions of this Ordinance; and

(d) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such lottery.

(2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973. 2 of 1974.

8. *Offences cognizable and non-bailable.*—The offence under this Ordinance shall be cognizable and non-bailable.

9. *Repeal and saving.*—(1) The Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 is hereby repealed. M.P. Ord. No. 8 of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under the Madhya Pradesh Lottery Pratibandh Adhyadesh, 1992 shall be deemed to be valid and be deemed always to have been valid. M.P. Ord. No. 8 of 1992.

SHANKER DAYAL SHARMA,  
*President*

K. L. MOHANPURIA,  
*Secy. to the Government of India.*

#### Notification

10-2-92/LA

The Madhya Pradesh Adhyaksha Tatha Upadhyaksha Tatha Neta Pratipaksha (Vetan Tatha Bhatta) Laws (Amendment) Ordinance, 1993 (No. 18 of 1993) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 25-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th February, 1993.

MINISTRY OF LAW, JUSTICE AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 25th January, 1993/  
/Magha 5, 1914 (Saka)

THE MADHYA PRADESH ADHYAKSHA TATHA  
UPADHYAKSHA TATHA NETA PRATIPAKSHA

#### (VETAN TATHA BHATTA) LAWS (AMENDMENT) ORDINANCE, 1993

No. 18 of 1993

Promulgated by the President in the Forty-third Year of the Republic of India

An Ordinance further to amend the Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972 and the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980.

Whereas by a proclamation issued on the 15th day of December, 1992 by the President under article 356 of the Constitution, the powers of the Legislature of the State of Madhya Pradesh have been declared to be exercisable by or under the authority of Parliament;

And whereas the Madhya Pradesh Adhyaksha Tatha Upadhyaksha Tatha Neta Pratipaksha (Vetan Tatha Bhatta) Vidhi Sanshodhan Adhyadesh, 1992 to provide for the aforesaid matter was promulgated by the Governor on the 28th October, 1992;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Madhya Pradesh Adhyaksha Tatha Upadhyaksha Tatha Neta Pratipaksha (Vetan Tatha Bhatta) Laws (Amendment) Ordinance, 1993.

(2) It shall come into force at once.

2. *Madhya Pradesh Act No. 27 of 1972 and Madhya Pradesh Act No. 8 of 1980 to be temporarily amended.*—During the period of operation of this Ordinance, the Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972 (No. 27 of 1972) and the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980 (No. 8 of 1980) shall have effect subject to the amendments specified in sections 3 and 4.

#### PART I

Amendment to the Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972

(No. 27 of 1972)

3. *Substitution of new section for section 3.*—For section 3 of the Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972, the following section shall be substituted, namely:—

“3. *Sumptuary allowance, constituency allowance and daily allowance to the Speaker and the Deputy Speaker.*—(1) There shall be paid



to the Speaker a sumptuary allowance of one thousand five hundred rupees per mensem and to the Deputy Speaker a sumptuary allowance of seven hundred and fifty rupees per mensem.

(2) There shall be paid to the Speaker and the Deputy Speaker a constituency allowance of three thousand rupees per mensem.

(3) There shall be paid to the Speaker and the Deputy Speaker a daily allowance of one hundred fifty rupees per day."

## PART II

Amendment to the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980

(No. 8 of 1980)

4. *Substitution of new section for section 4.*— For section 4 of the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980, the following section shall be substituted, namely:—

"4. *Sumptuary allowance, constituency allowance and daily allowance to the Neta Pratipaksha.*— (1) There shall be paid to the Neta Pratipaksha a sumptuary allowance of one thousand five hundred rupees per mensem.

(2) There shall be paid to the Neta Pratipaksha a constituency allowance of three thousand rupees per mensem.

(3) There shall be paid to the Neta Pratipaksha a daily allowance of one hundred fifty rupees per day."

5. *Repeal and saving.*— (1) The Madhya Pradesh Adhyaksha Tatha Upadhyaksha Tatha Neta Pratipaksha (Vetan Tatha Bhatta) Vidhi Sanshodhan Adhyadesh, 1992 is hereby repealed.

M. P.  
Ord.  
7 of 1992.

(2) Notwithstanding such repeal, anything done or any action taken under Madhya Pradesh Adhyaksha Tatha Upadhyaksha (Vetan Tatha Bhatta) Adhiniyam, 1972 or the Madhya Pradesh Vidhan Mandal Neta Pratipaksha (Vetan Tatha Bhatta) Adhiniyam, 1980, as amended by the Adhyadesh referred to in sub-section (1), shall be deemed to be valid and be deemed always to have been valid.

M. P.  
Act No.  
27 of 1972  
M. P.  
Act No.  
8 of 1980.

SHANKER DAYAL SHARMA,  
*President.*

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

## Notification

10-2-92/LA

The National Commission for Backward Classes Ordinance, 1993 (No. 23 of 1993) which has been

promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 1-2-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 25th February, 1993.

MINISTRY OF LAW, JUSTICE AND  
COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 1st February, 1993/  
/Magha 12, 1914 (Saka)

## THE NATIONAL COMMISSION FOR BACKWARD CLASSES ORDINANCE, 1993

No. 23 of 1993

Promulgated by the President in the Forty-fourth Year of the Republic of India.

An Ordinance to constitute a National Commission for Backward Classes other than the Scheduled Castes and the Scheduled Tribes and to provide for matters connected therewith or incidental thereto.

Whereas, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

## CHAPTER I

## Preliminary

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the National Commission for Backward Classes Ordinance, 1993.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. *Definitions.*— In this Ordinance, unless the context otherwise requires,—

(a) "*backward classes*", for the purpose of this Ordinance, means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the Central Government in the lists;

(b) "*Commission*" means the National Commission for Backward Classes constituted under section 3;

(c) "*lists*" means lists prepared by the Government of India from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the

services under the Government of India and any local or other authority within the territory of India or under the control of the Government of India;

(d) "Member" means a Member of the Commission and includes the Chairperson;

(e) "prescribed" means prescribed by rules made under this Ordinance.

## CHAPTER II

### The National Commission for Backward Classes

3. *Constitution of the National Commission for Backward Classes.*—(1) The Central Government shall constitute a body to be known as the National Commission for Backward Classes to exercise the powers conferred on, and to perform the functions assigned to, it under this Ordinance.

(2) The Commission shall consist of the following Members nominated by the Central Government:—

(a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;

(b) a social scientist;

(c) two persons, who have special knowledge in matters relating to backward classes; and

(d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

4. *Term of office and conditions of service of Chairperson and Members.*—(1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central Government shall remove a person from the office of Member if that person—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interests of backward classes or the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members shall be such as may be prescribed.

5. *Officers and other employees of the Commission.*—(1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. *Salaries and allowances to be paid out of grants.*—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12

7. *Vacancies, etc. not to invalidate proceedings of the Commission.*—No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

8. *Procedure to be regulated by the Commission.*—(1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member Secretary or any other officer of the Commission duly authorised by the Member Secretary in this behalf.

## CHAPTER III

### Functions and Powers of the Commission

9. *Functions of the Commission.*—(1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding upon the Central Government.

10. *Powers of the Commission.*—The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and a particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;



(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning and public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

11. *Periodic revision of lists by the Central Government.*—(1) The Central Government may at any time, and shall, at the expiration of ten years from the coming into force of this Ordinance and every succeeding period of ten years thereafter, undertake revision of the lists with a view to excluding from such lists those classes who have ceased to be backward classes or for including in such lists new backward classes.

(2) The Central Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

#### CHAPTER IV

##### Finance, Accounts and Audit

12. *Grants by the Central Government.*—(1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Ordinance.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Ordinance, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. *Accounts and Audit.*—(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Ordinance shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

14. *Annual Report.*—The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual

report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

15. *Annual report and audit report to be laid before Parliament.*—The Central Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before each House of Parliament.

#### CHAPTER V

##### Miscellaneous

16. *Chairperson, Members and employees of the Commission to be public servants.*—The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

17. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) salaries and allowances payable to, and other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and of officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be maintained under sub-section (1) of section 13;

(c) the form in, and the time at, which the annual report shall be prepared under section 14;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Ordinance as appear to it to be necessary or expedient, for removing the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

SHANKER DAYAL SHARMA,  
*President.*

K. L. MOHANPURIA,  
*Secy. to the Govt. of India.*

#### Notification

10-2-92/LA/(Part)

The Terrorist and Disruptive Activities (Prevention) Amendment Act, 1993 (Central Act 43 of 1993) which has been passed by Parliament and assented to by the President of India on 22-5-1993 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 22-5-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 20th July, 1993.

#### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 22nd May, 1993/  
*Jyaistha 1, 1915 (Saka)*

The following Act of Parliament received the assent of the President on the 22nd May, 1993, and is hereby published for general information:—

#### THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT ACT, 1993

No. 43 of 1993

[22nd May, 1993]

An Act further to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Terrorist and Disruptive Activities (Prevention) Amendment Act, 1993.

2. *Amendment of section 1.*—In the Terrorist and Disruptive Activities (Prevention) Act, 1987 (hereinafter referred to as the principal Act), in section 1, in sub-section (4), for the words “six years”, the words “eight years” shall be substituted.

3. *Amendment of section 2.*—In section 2 of the Principal Act, in sub-section (1), after clause (g), the following clause shall be inserted, namely:—

“(gg) “property” means property and assets of every description, whether corporeal or incorporeal,

movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived or obtained from the terrorist act and includes proceeds of terrorism;”.

4. *Amendment of section 3.*—In section 3 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely:—

“(5) Any person who is a member of a terrorist gang or a terrorists organisation, which is involved in terrorist acts, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.

(6) Whoever holds any property derived or obtained from commission of any terrorist act or has been acquired through the terrorist funds shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine.”.

5. *Insertion of new section 7A.*—After section 7 of the principal Act, the following section shall be inserted, namely:—

“7A. *Powers of investigating officers.*—If an officer investigating an offence committed under this Act has reason to believe that any property in relation to which an investigation is being conducted is a property derived or obtained from the commission of any terrorist act and includes proceeds of terrorism, he shall, with the approval of the Superintendent of Police, make an order seizing such property and where it is not practicable to seize such property, he may make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order, or of the Designated Court and a copy of such order shall be served on the persons concerned:

Provided that the investigating officer shall duly inform the Designated Court within forty-eight hours of the attachment of such property and the said court shall either confirm or revoke the order of attachment so issued.”.

6. *Amendment of section 15.*—In section 15 of the principal Act,—

(a) in sub-section (1), after the words “trial of such person”, the words “or co-accused, abettor or conspirator” shall be inserted;

(b) after sub-section (1) the following proviso shall be inserted, namely:—

“Provided that co-accused, abettor or conspirator is charged and tried in the same case together with the accused.”.

7. *Amendment of section 16.*—In section 16 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Notwithstanding anything contained in the Code, the proceedings under this Act may be held *in camera* if the Designated Court so desires.”.

8. *Amendment of section 20.*—In section 20 of the principal Act, in sub-section (4),—

(a) in clause (b), for the words “one year”, at both the places where they occur, the words “one hundred and eighty days”, shall be substituted;

(b) after clause (b), the following clause shall be inserted, namely:—

“(bb) in sub-section (2), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Designated Court shall extend the said period up to one year, on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days; and”.

9. *Insertion of new section 20A.*—After section 20 of the principal Act, the following section shall be inserted, namely:—

“20A. *Cognizance of offence.*—(1) Notwithstanding anything contained in the Code, no information about the commission of an offence under this Act shall be recorded by the police without the prior approval of the District Superintendent of Police.

(2) No court shall take cognizance of any offence under this Act without the previous sanction of the Inspector-General of Police, or as the case may be, the Commissioner of Police.”.

10. *Amendment of section 21.*—In section 21 of the principal Act, in sub-section (1), clauses (c) and (d) shall be omitted.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

#### Notification

10-2-92/LA

The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1992 (Central Act 3 of 1993), which has been passed by Parliament and assented to by the President of India on 5-1-1993 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 5-1-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th March, 1993.

#### THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 1992

AN

ACT

*further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1992.

2. *Amendment of section 5 of Act 30 of 1954.*—In section 5 of the Salary, Allowances and Pension of Members of Parliament Act, 1954:—

(a) in sub-section (2),—

(i) after the words “performed by him”, the words, “either alone or alongwith companion or spouse”, shall be inserted;

(ii) in the proviso, for the word “sixteen”, the word “twenty-eight” shall be substituted;

(b) after *Explanation II*, the following *Explanation* shall be inserted, namely:—

“*Explanation III.*—For the purposes of sub-section (2), any journey performed by the companion or the spouse shall be added in computing the limit of twenty-eight journeys specified in the proviso to that sub-section.”.

#### Notification

10-2-92/LA

The Representation of the People (Amendment) Act, 1992 (Central Act 38 of 1992) which has been passed by Parliament and assented to by the President of India on 4-12-1992 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 4-12-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th March, 1993.

#### THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1992

AN

ACT

*further to amend the Representation of the People Act, 1950.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Representation of the People (Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 7.*—In section 7 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act),—

43 of 1950

(a) in sub-section (1), for the words, brackets, figures and letters "sub-sections (1A) and (1B)", the words, brackets, figures and letters "sub-sections (1A), (1B) and (1C)" shall be substituted;

(b) after sub-section (1B), the following sub-section shall be inserted, namely:—

"(1C) Notwithstanding anything contained in sub-section (1), twenty seats shall be reserved for the Scheduled Tribes in the Legislative Assembly of the State of Tripura to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1992."

3. *Insertion of new section 9B.*—After section 9A of the principal Act and before the sub-heading "The State Legislative Councils", the following section shall be inserted, namely:—

"9B. *Power of Election Commission to determine certain constituencies to be reserved for Scheduled Tribes in the State of Tripura.*—(1) As soon as may be after the coming into force of the Representation of the People (Amendment) Act, 1992, the Election Commission shall, having regard to the provisions of the Constitution and the principle specified in clause (d) of sub-section (1) of section 9 of the Delimitation Act, 1972, determine the three assembly constituencies in the State of Tripura in which the three additional seats for Scheduled Tribes, as increased by sub-section (1C) of section 7, shall be reserved.

76 of 1972

(2) The Election Commission shall,—

(a) publish its proposals under sub-section (1) in the Official Gazette and also in such other manner as it thinks fit;

(b) specify a date on or after which the proposals will be further considered by it;

(c) consider all objections and suggestions which may have been received by it before the date so specified;

(d) hold, for the purpose of such consideration, if it thinks fit so to do, one or more public sittings at such place or places in the State as it thinks fit;

(e) after considering all objections and suggestions which may have been received by it before the date so specified, determine, by order, the three assembly constituencies in the State in which the said three additional seats shall be reserved for the Scheduled Tribes and cause such order to be published in the Official Gazette; and, upon such publication, the order shall have the full force of law and shall not be called in question in any court and the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, shall be deemed to have been amended accordingly.

(3) Every order made under sub-section (2) shall, as soon as may be after it is published under that sub-section, be laid before the Legislative Assembly of the State of Tripura."

#### Notification

10-2-92/LA

The Constitution (Seventy-Second Amendment) Act, 1992 which has been passed by Parliament and assented to by the President of India on 4-12-1992 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 4-12-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 26th March, 1993.

#### THE CONSTITUTION (SEVENTY-SECOND AMENDMENT) ACT, 1992

AN

ACT

further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Constitution (Seventy-second Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of article 332.*—(1) In article 332 of the Constitution, after clause (3A), the following clause shall be inserted, namely:—

"(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly."

(2) The amendment made to article 332 of the Constitution by sub-section (1) shall not affect any representation in the Legislative Assembly of the State of Tripura until the dissolution of the Legislative Assembly existing at the commencement of this Act.

#### Notification

10-2-92/LA

The Citizenship (Amendment) Act, 1992 (Central Act 39 of 1992) which has been passed by Parlia-

ment and assented to by the President of India on 10-12-1992 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 11-12-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 2nd April, 1993.

# THE CITIZENSHIP (AMENDMENT) ACT, 1992

## AN ACT

*further to amend the Citizenship Act, 1955.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Citizenship (Amendment) Act, 1992.

2. *Amendment of section 4.*—In section 4 of the Citizenship Act, 1955 (hereinafter referred to as the principal Act),—

(a) in sub-section (1),—

(i) for the opening portion beginning with the words “A person born outside India” and ending with the words “at the time of his birth;”, the following shall be substituted, namely:—

“A person born outside India,—

(a) on or after the 26th January, 1950, but before the commencement of the Citizenship (Amendment) Act, 1992, shall be a citizen of India by descent if his father is a citizen of India at the time of his birth; or

(b) on or after such commencement, shall be a citizen of India by descent if either of his parents is a citizen of India at the time of his birth;”;

(ii) in the opening portion of the existing proviso, after the words “if the father of such a person”, the words “referred to in clause (a)” shall be inserted;

(iii) after the existing proviso, as so amended, the following proviso shall be inserted, namely:—

“Provided further that if either of the parents of such a person referred to in clause (b) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

(a) his birth is registered at an Indian consulate within one year of its occurrence or the commencement of the Citizenship (Amendment) Act, 1992, which ever, is later, or, with the permission of the Central Government, after the expiry of the said period; or

(b) either of his parents is, at the time of his birth, in service under a Government in India.”;

(b) in sub-section (3), for the words “any male person”, the words “any person” shall be substituted.

3. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2), for the words “a male person”, the words “a person” shall be substituted.

## Notification

10-2-92/LA

The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (Central Act 41 of 1992), which has been passed by Parliament and assented to by the President of India on 29-12-1992 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 30-12-1992, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 6th April, 1993.

# THE INFANT MILK SUBSTITUTES, FEEDING BOTTLES AND INFANT FOODS (REGULATION OF PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 1992

## AN

## ACT

*to provide for the regulation of production, supply and distribution of infant milk substitutes, feeding bottles and infant foods with a view to the protection and promotion of breast-feeding and ensuring the proper use of infant foods and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement.* (1) This Act may be called the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.* (1) In this Act, unless the context otherwise requires,—

(a) “advertisement” includes any notice, circular, label, wrapper and other documents and also includes any visible representation or announcement made by means of any light, sound, smoke or gas;

(b) “container” means a box bottle, casket, tin, can, barrel, case, tube, receptacle, sack, wrapper or other thing in which any infant milk substitute, feeding bottle or infant food is placed or packed for sale or distribution;

(c) “feeding bottle” means any bottle or receptacle used for the purpose of feeding infant milk substitutes and includes a teat and a valve

attached or capable of being attached to such bottle or receptacle;

(d) "health care system" means an institution or organisation engaged, either directly or indirectly, in health care for mothers, infants or pregnant women, and includes a health worker in private practice, but does not include a pharmacy or drug store;

(e) "health worker" means a person engaged in health care for mothers, infants or pregnant women;

(f) "infant food" means any food (by whatever name called) being marketed or otherwise represented as a complement to mother's milk to meet the growing nutritional needs of the infant after the age of four months;

(g) "infant milk substitute" means any food being marketed or otherwise represented as a partial or total replacement for mother's milk, whether or not it is suitable for such replacement;

(h) "label" means a display of written, marked, stamped, printed or graphic matter affixed to, or appearing upon, any container;

(i) "prescribed" means prescribed by rules made under this Act.

(2) Any reference in this Act to any other enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

3. *Certain prohibitions in relation to infant milk substitutes, feeding bottles and infant foods.* — No person shall —

(a) advertise, or take part in the publication of any advertisement, for the distribution, sale or supply on infant milk substitutes or feeding bottles; or

(b) give an impression or create a belief in any manner that feeding of infant milk substitutes is equivalent to, or better than, mother's milk; or

(c) take part in the promotion of use or sale of infant milk substitutes or feeding bottles or infant foods otherwise than in accordance with the provisions of this Act.

4. *Prohibition of incentives for the use or sale of infant milk substitutes or feeding bottles.* — No person shall —

(a) supply or distribute samples of infant milk substitutes or feeding bottles or gifts of utensils or other articles; or

(b) contact any pregnant woman or the mother of an infant; or

(c) offer inducement of any other kind,

for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles.

5. *Donations of Infant milk substitutes or feeding bottles or equipment or materials relating thereto.* — Subject to the provisions of sub-section (4) of section 8, no person shall donate or distribute. —

(a) infant milk substitutes or feeding bottles to any other person except to an orphanage;

(b) any informational or educational equipment or material relating to infant milk substitutes or feeding bottles:

Provided that nothing in this clause shall apply to the donation or distribution, subject to such conditions and restrictions as may be prescribed, of such equipment or material through the health care system.

6. *Information on containers and labels of infant milk substitutes or infant foods.* — (1) Without prejudice to the provisions of the Prevention of Food Adulteration Act, 1954 and the rules 37 of 1954 made thereunder, no person shall produce, supply or distribute any infant milk substitute or infant food unless every container thereof or any label affixed thereto indicates in a clear, conspicuous and in an easily readable and understandable manner, the words "important notice" in capital letters in such language as may be prescribed and indicating thereunder the following particulars in the same language, namely: —

(a) a statement "mother's milk is best for your baby" in capital letters;

(b) a statement that infant milk substitute or infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;

(c) a warning that infant milk substitute or infant food is not the sole source of nourishment of an infant;

(d) the instructions for its appropriate preparation and a warning against the health hazards of its inappropriate preparation;

(e) the ingredients used;

(f) the composition or analysis;

(g) the storage conditions required;

(h) the batch number, date of its manufacture and the date before which it is to be consumed, taking into account the climatic and storage conditions of the country;

(i) such other particulars as may be prescribed.

(2) No container or label referred to in sub-section (1) relating to infant milk substitute shall —

(a) have pictures of an infant or a woman or both; or

(b) have pictures or other graphic material or phrases designed to increase the saleability of infant milk substitute; or

(c) use on it the word "humanised" or "maternalised" or any other similar word; or

(d) bear on it such other particulars as may be prescribed.



**7. Educational and other materials relating to feeding of infants to contain certain particulars.—**

(1) Every educational or other material, whether audio or visual, dealing with pre-natal or post-natal care or with the feedings of an infant and intended to reach pregnant women or mothers of infants shall include clear information relating to—

(a) the benefits and superiority of breast-feeding;

(b) the preparation for, and the continuance of, breast-feeding;

(c) the harmful effects on breast-feeding due to the partial adoption of bottle feeding;

(d) the difficulties in reverting to breast-feeding of infants after a period of feeding by infant milk substitute;

(e) the financial and social implications in making use of infant milk substitutes and feeding bottles;

(f) the health hazards of improper use of infant milk substitutes and feeding bottles;

(g) such other matters as may be prescribed.

(2) No material referred to in sub-section (1) shall be utilised to promote the use or sale of infant milk substitutes or feeding bottles.

**8. Health care system.—**(1) No person shall use any health care system for the display of placards or posters relating to, or for the distribution of, materials for the purpose of promoting the use or sale of infant milk substitutes or feeding bottles or infant foods:

Provided that the provisions of this sub-section shall not apply to—

(a) the donation or distribution of informational or educational equipment or material made in accordance with the proviso to clause (b) of section 5; and

(b) the dissemination of information to a health worker about the scientific and factual matters relating to the use of infant milk substitutes or feeding bottles or infant foods along with the information specified in sub-section (1) of section 7.

(2) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall make any payment to any person who works in the health care system for the purpose of promoting the use or sale of such substitutes or bottles or foods.

(3) No person, other than a health worker, shall demonstrate feeding with infant milk substitutes or infant foods to a mother or an infant or to any member of her family and such health worker shall also clearly explain to such mother or such other member the hazards of improper use of infant milk substitutes or feeding bottles or infant foods.

(4) No person, other than an institution or organisation, engaged in health care for mothers, infants or pregnant women, shall distribute infant milk substitutes or feeding bottles to a mother who cannot resort to breast-feeding and who cannot afford to purchase infant milk substitutes or feeding bottles.

(5) An orphanage may purchase infant milk substitutes or feeding bottles at a price lower than their sale price for the purpose of utilising them in the said orphanage.

*Explanation.*—For the purposes of this sub-section, such purchases shall not amount to an inducement for promoting the use or sale of infant milk substitutes or feeding bottles.

**9. Inducement to health worker for promoting use of infant milk substitutes, etc.—**(1) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall offer or give, directly or indirectly, any financial inducement or gifts to a health worker or to any member of his family for the purpose of promoting the use of such substitutes or bottles or foods.

(2) Where such person makes any contribution to, or incurs any expenditure on, a health worker, either directly or indirectly, such person and such health worker shall disclose the same to the institution or organisation to which such health worker is attached.

**10. Special provision relating to employees of person who produces, supplies, distributes or sells infant milk, substitutes, etc.—**(1) No person who produces, supplies, distributes or sells infant milk substitutes or feeding bottles or infant foods shall fix the remuneration of any of his employees or give any commission to such employees on the basis of the volume of sale of such substitutes or bottles or foods made by such employees.

(2) The employees of such person shall not perform any function which relates to educating a pregnant woman or mother of an infant on pre-natal or post-natal care of the infant.

**11. Standards of infant milk substitutes, feeding bottles or infant foods.—**(1) No person shall sell or otherwise distribute any infant milk substitute or infant food unless it conforms to the standards, specified for such substitute or food under the Prevention of Food Adulteration Act, 1954, and the rules made thereunder and the container thereof has the relevant Standard Mark specified by the Bureau of Indian Standards established under section 3 of the Bureau of Indian Standards Act, 1986 to indicate that the infant milk substitute or infant food conforms to such standards:

Provided that here no standards have been specified for any infant milk substi-

37 of 1954.

63 of 1986.

tute or infant food under the Prevention of Food Adulteration Act, 1954, no person shall sell or otherwise distribute such substitute or food unless he has obtained the approval of the Central Government in relation to such substitute or food and the label affixed to the container thereof under the rules made under that Act. 37 of 1954.

(2) No person shall or otherwise distribute any feeding bottle unless it conforms to the Standard Mark specified by the Bureau of Indian Standards referred to in sub-section (1) for feeding bottles and such mark is affixed on its container.

12. *Powers of entry and search.* — (1) Any food inspector appointed under section 9 of the Prevention of Food Adulteration Act 1954 (hereinafter referred to as the food inspector) or any officer not below the rank of a Class I officer authorised in this behalf by the State Government (hereinafter referred to as the authorised officer) may, if he has any reason to believe that any provision of section 6 or section 11 has been or is being contravened, enter and search at any reasonable time any factory, building, business premises or any other place where any trade or commerce in infant milk substitutes or feeding bottles or infant foods is carried on or such substitutes or bottles or foods are produced, supplied or distributed. 37 of 1954.

(2) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act. 2 of 1974.

13. *Power to seize infant milk substitutes, etc., or containers thereof.* — (1) If any food inspector or authorised officer has reason to believe that in respect of any infant milk substitute or feeding bottle or infant food or container thereof, the provisions of this Act have been or are being contravened, he may seize such substitute or bottle or food or container.

(2) No such substitute or food or bottle or container shall be retained by any food inspector or authorised officer for a period exceeding ninety days from the date of its seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

14. *Confiscation.* — Any infant milk substitute or feeding bottle or infant food or container thereof, in respect of which any provision of this Act has been or is being contravened, shall be liable to confiscation:

Provided that where it is established to the satisfaction of the court adjudging the confiscation that the person in whose possession, power or control any such substitute or bottle or food or container is found is not responsible for the contravention of the provisions of this Act, the court may, instead of making an order for the confiscation of such

substitute or bottle or food or container, make such other order authorised by this Act against the person guilty of the breach of the provisions of this Act as it may think fit.

15. *Power to give option to pay cost in lieu of confiscation.* — (1) Whenever any confiscation is authorised by this Act, the court adjudging it may, subject to such conditions as may be specified in the order adjudging the confiscation, give to the owner thereof an option to pay in lieu of confiscation such cost not exceeding the value of the infant milk substitute or feeding bottle or infant food or container thereof in respect of which the confiscation is authorised as the court thinks fit.

(2) On payment of the cost ordered by the court the seized infant milk substitute or feeding bottle or infant food or container shall be returned to the person from whom it was seized on the condition that such person shall, before making any distribution, sale or supply of such substitute or bottle or food or container, give effect to the provisions of this Act.

16. *Confiscation not to interfere with other punishments.* — No confiscation made or cost ordered to be paid under this Act shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.

17. *Adjudication.* — Any confiscation may be adjudged or costs may be ordered to be paid, —

(a) without any limit, by the principal civil court of original jurisdiction within the local limits of whose jurisdiction such confiscation has been made or costs have been ordered to be paid, as the case may be;

(b) subject to such limits as may be specified by the Central Government in this behalf, by such other court, not below a civil court having pecuniary jurisdiction exceeding five thousand rupees, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

18. *Giving of opportunity to the owner of the seized infant milk substitute or feeding bottle or infant food or container thereof.* — (1) No order adjudicating confiscation or directing payment of costs shall be made unless the owner of the infant milk substitute or feeding bottle or infant food or container thereof has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such substitute or bottle or food or container and giving him a reasonable opportunity of making a representation in writing, within such reasonable time as may be specified in the notice, against the confiscation and if he so desires, of being heard in the matter:

Provided that where no such notice is given within a period of ninety days from the date of the seizure of the infant milk substitute or feeding bottle or infant food or container thereof, such substitute or bottle or food or container shall be returned after the expiry of that period to the person from whose possession it was seized.



(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908, shall, so far as may be, apply to every proceeding referred to in sub-section (1). 5 of 1908.

19. *Appeal.* — (1) Any person aggrieved by any decision of the court adjudicating a confiscation or ordering the payment of costs may prefer an appeal to the court to which an appeal lies from the decision of such court.

(2) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or revising the decision or order appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be after taking additional evidence if necessary:

Provided that an order enhancing any fine in lieu of confiscation or for confiscating goods of greater value shall not be made under this section unless the appellant has had an opportunity of making a representation and if he so desires of being heard in his defence.

(3) No further appeal shall lie against the order of the court made under sub-section (2).

20. *Penalty.* — (1) Any person who contravenes the provisions of sections 3, 4, 5, 7, 8, 9, 10 or sub-section (2) of section 11 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees, or with both.

(2) Any person who contravenes the provisions of section 6 or sub-section (1) of section 11 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than two thousand rupees:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term which shall not be less than three months but which may extend to two years and with fine which shall not be less than one thousand rupees.

21. *Cognizance of offences.* — (1) Save as otherwise provided in section 173 of the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by — 2 of 1974

(a) a person authorised in this behalf under sub-section (1) of section 20 of the Prevention of Food Adulteration Act, 1954; or 37 of 1954

(b) an officer not below the rank of of a Class I officer authorised in this behalf, by general or special order, by the Government; or 2 of 1974

(c) a representative of such voluntary organisation engaged in the field of child welfare and development and child nutrition as the Govern-

ment may, by notification in the Official Gazette, authorise in this behalf.

(2) where a complaint has been made by a representative of the voluntary organisation authorised under clause (c) of sub-section (1) and the court has issued a summons or, as the case may be, a warrant under sub-section (1) of section 204 of the Code of Criminal Procedure, 1973, the Assistant Public Prosecutor for that court shall take charge of the case and conduct the prosecution. 2 of 1974

22. *Offence by companies.* — (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.* — For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

23. *Offences to be cognizable and bailable.* — Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be — 2 of 1974

(a) bailable;

(b) cognizable.

24. *Protection of action taken in good faith.* — No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or of any State Government for anything which is in good faith done or intended to be done under this Act.

25. *Application of Act 37 of 1954 not barred.* — The provisions of this Act or the rules made thereunder shall be in addition to, and not in derogation of, the Prevention of Food Adulteration Act, 1954, or the rules made thereunder.

26. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the conditions and restriction subject to which educational equipment and other material may be donated or distributed under the proviso to clause (b) of section 5;

(b) the language in which the notice and other particulars shall be indicated under sub-section (1) of section 6;

(c) the particulars which are to be indicated under clause (i) of sub-section (1) of section 6;

(d) the particulars which a container or label shall not bear under clause (d) of sub-section (2) of section 6;

(e) the matters to be included in the information which reaches pregnant women or mothers of infants under clause (g) of sub-section (1) of section 7;

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### LEGISLATURE SECRETARIAT

#### Notification

7-14-93/LA

The Goa Appropriation Act, 1993 (Goa Act 15 of 1993) which has been passed by the Legislative Assembly of Goa on 29-7-1993 and assented to by the Governor of Goa on 29-7-1993, is hereby published for the general information of the public.

P. V. Kadnekar, Under Secretary (Drafting).

Panaji, 30th July, 1993.

#### THE GOA APPROPRIATION ACT, 1993

[Goa Act No. 15 of 1993] [29-7-1993]

AN

ACT

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 1993-94.

BE it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Goa Appropriation Act, 1993.

2. *Issue of Rs. 6,41,11,73,000 out of the Consolidated Fund of the State of Goa, for the financial year 1993-94.*—From and out of the Consolidated Fund of the State of Goa there may be paid and applied sums not exceeding those specified in column 5 of the Schedule, amounting in the aggregate to the sum of six hundred forty one crores eleven lakhs and seventy three thousand rupees towards defraying the several charges which will arise for payment during the financial year 1993-94 in respect of the services and purposes specified in column 2 of the schedule.

3. *Appropriation.*—The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa by this

Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

## THE SCHEDULE

(See Sections 2 &amp; 3)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
1	2	3	4	5
		Rs.	Rs.	Rs.
1. State Legislature				
Revenue	...	56,70,000	3,30,000	60,00,000
Capital (including Loans)	...	—	—	—
Total	...	56,70,000	3,30,000	60,00,000
2. Governor				
Revenue	...	50,000	46,50,000	47,00,000
Capital (including Loans)	...	—	—	—
Total	...	50,000	46,50,000	47,00,000
3. Council of Ministers				
Revenue	...	47,00,000	—	47,00,000
Capital (including Loans)	...	—	—	—
Total	...	47,00,000	—	47,00,000
4. Administration of Justice				
Revenue	...	1,68,00,000	—	1,68,00,000
Capital (including Loans)	...	—	—	—
Total	...	1,68,00,000	—	1,68,00,000
5. Elections				
Revenue	...	8,00,000	—	8,00,000
Capital (including Loans)	...	—	—	—
Total	...	8,00,000	—	8,00,000
6. Land Revenue, Stamps and Registration				
Revenue	...	1,50,00,000	—	1,50,00,000
Capital (including Loans)	...	—	—	—
Total	...	1,50,00,000	—	1,50,00,000
7. State Excise, Sales Tax and Other Taxes and Duties				
Revenue	...	1,68,00,000	—	1,68,00,000
Capital (including Loans)	...	—	—	—
Total	...	1,68,00,000	—	1,68,00,000
8. Taxes on Vehicles				
Revenue	...	34,00,000	—	34,00,000
Capital (including Loans)	...	—	—	—
Total	...	34,00,000	—	34,00,000
9. Secretariat				
Revenue	...	3,74,00,000	—	3,74,00,000
Capital (including Loans)	...	—	—	—
Total	...	3,74,00,000	—	3,74,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
— Interest Payments (Appropriation)				
Revenue ... ..		—	72,26,00,000	72,26,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		—	72,26,00,000	72,26,00,000
— Public Service Commission (Appropriation)				
Revenue ... ..		—	28,00,000	28,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		—	28,00,000	28,00,000
10. District Administration				
Revenue ... ..		2,70,00,000	—	2,70,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		2,70,00,000	—	2,70,00,000
11. Treasury and Accounts (Administration)				
Revenue ... ..		1,75,00,000	—	1,75,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		1,75,00,000	—	1,75,00,000
12. Police				
Revenue ... ..		12,25,00,000	—	12,25,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		12,25,00,000	—	12,25,00,000
13. Jails				
Revenue ... ..		62,00,000	—	62,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		62,00,000	—	62,00,000
14. Supplies and Disposals				
Revenue ... ..		1,00,000	—	1,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		1,00,000	—	1,00,000
15. Stationery and Printing				
Revenue ... ..		1,43,00,000	—	1,43,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		1,43,00,000	—	1,43,00,000
16. Public Works				
Revenue ... ..		11,26,00,000	—	11,26,00,000
Capital (including Loans) ...		9,75,00,000	—	9,75,00,000
Total ... ..		21,01,00,000	—	21,01,00,000
17. Other Administrative Services				
Revenue ... ..		2,07,00,000	—	2,07,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		2,07,00,000	—	2,07,00,000
18. Pension				
Revenue ... ..		12,00,00,000	—	12,00,00,000
Capital (including Loans) ...		—	—	—
Total ... ..		12,00,00,000	—	12,00,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
19.	Miscellaneous General Services			
	Revenue ... ..	11,00,00,000	—	11,00,00,000
	Capital (including Loans) ...	—	—	—
	Total ... ..	11,00,00,000	—	11,00,00,000
20.	General Education			
	Revenue ... ..	79,05,84,000	—	79,05,84,000
	Capital (including Loans) ...	2,70,15,000	—	2,70,15,000
	Total ... ..	81,75,99,000	—	81,75,99,000
21.	Technical Education			
	Revenue ... ..	3,97,00,000	—	3,97,00,000
	Capital (including Loans) ...	4,42,19,000	—	4,42,19,000
	Total ... ..	8,39,19,000	—	8,39,19,000
22.	Sports and Youth Services			
	Revenue ... ..	2,54,60,000	—	2,54,60,000
	Capital (including Loans) ...	45,00,000	—	45,00,000
	Total ... ..	2,54,60,000	—	2,54,60,000
23.	Art and Culture			
	Revenue ... ..	2,19,10,000	—	2,19,10,000
	Capital (including Loans) ...	1,45,40,000	—	1,45,40,000
	Total ... ..	3,64,50,000	—	3,64,50,000
24.	Medical and Public Health			
	Revenue ... ..	31,75,60,000	—	31,75,60,000
	Capital (including Loans) ...	7,99,45,000	10,00,000	8,09,45,000
	Total ... ..	39,75,05,000	10,00,000	39,85,05,000
25.	Family Welfare			
	Revenue ... ..	1,15,00,000	—	1,15,00,000
	Capital (including Loans) ...	—	—	—
	Total ... ..	1,15,00,000	—	1,15,00,000
26.	Water Supply and Sanitation			
	Revenue ... ..	21,50,00,000	—	21,50,00,000
	Capital (including Loans) ...	14,98,00,000	—	14,98,00,000
	Total ... ..	36,48,00,000	—	36,48,00,000
27.	Housing			
	Revenue ... ..	95,00,000	—	95,00,000
	Capital (including Loans) ...	1,61,00,000	—	1,61,00,000
	Total ... ..	2,56,00,000	—	2,56,00,000
28.	Urban Development			
	Revenue ... ..	4,00,10,000	—	4,00,10,000
	Capital (including Loans) ...	20,00,000	—	20,00,000
	Total ... ..	4,20,10,000	—	4,20,10,000
29.	Information and Publicity			
	Revenue ... ..	84,00,000	—	84,00,000
	Capital (including Loans) ...	—	—	—
	Total ... ..	84,00,000	—	84,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
30.	Welfare of Scheduled Castes, Scheduled Tribes and Other Backward Classes			
	Revenue ... ..	46,12,000	—	46,12,000
	Capital (including Loans) ...	19,00,000	—	19,00,000
	Total ... ..	65,12,000	—	65,12,000
31.	Labour and Employment			
	Revenue ... ..	4,05,50,000	—	4,05,50,000
	Capital (including Loans) ...	22,00,000	—	22,00,000
	Total ... ..	4,27,50,000	—	4,27,50,000
32.	Social Security and Nutrition			
	Revenue ... ..	6,94,32,000	—	6,94,32,000
	Capital (including Loans) ...	34,00,000	—	34,00,000
	Total ... ..	7,28,32,000	—	7,28,32,000
33.	Relief on Account of Natural Calamities			
	Revenue ... ..	1,06,00,000	—	1,06,00,000
	Capital (including Loans) ...	10,000	—	10,000
	Total ... ..	1,06,10,000	—	1,06,10,000
34.	Agriculture			
	Revenue ... ..	7,79,32,000	—	7,79,32,000
	Capital (including Loans) ...	4,41,00,000	—	4,41,00,000
	Total ... ..	12,20,32,000	—	12,20,32,000
35.	Animal Husbandry including Dairy			
	Revenue ... ..	4,20,21,000	—	4,20,21,000
	Capital (including Loans) ...	22,00,000	—	22,00,000
	Total ... ..	4,42,21,000	—	4,42,21,000
36.	Fisheries			
	Revenue ... ..	2,23,06,000	—	2,23,06,000
	Capital (including Loans) ...	1,00,10,000	—	1,00,10,000
	Total ... ..	3,23,16,000	—	3,23,16,000
37.	Forestry and Wild Life			
	Revenue ... ..	3,75,35,000	—	3,75,35,000
	Capital (including Loans) ...	53,80,000	—	53,80,000
	Total ... ..	4,29,15,000	—	4,29,15,000
38.	Food and Civil Supplies			
	Revenue ... ..	64,00,000	—	64,00,000
	Capital (including Loans) ...	38,20,00,000	—	38,20,00,000
	Total ... ..	38,84,00,000	—	38,84,00,000
39.	Cooperation and Marketing			
	Revenue ... ..	1,25,50,000	—	1,25,50,000
	Capital (including Loans) ...	78,50,000	—	78,50,000
	Total ... ..	2,04,00,000	—	2,04,00,000
40.	Community Development and Panchayats			
	Revenue ... ..	11,61,78,000	—	11,61,78,000
	Capital (including Loans) ...	69,72,000	—	69,72,000
	Total ... ..	12,31,50,000	—	12,31,50,000

1	2	3	4	5
		Rs.	Rs.	Rs.
41. Special Area Programme				
Revenue ... ..	...	97,00,000	—	97,00,000
Capital (including Loans) ...	...	63,90,000	—	63,90,000
Total ... ..	...	1,60,90,000	—	1,60,90,000
42. Irrigation and Flood Control				
Revenue ... ..	...	5,81,00,000	—	5,81,00,000
Capital (including Loans) ...	...	25,30,00,000	45,00,000	25,75,00,000
Total ... ..	...	31,11,00,000	45,00,000	31,56,00,000
43. Energy				
Revenue ... ..	...	89,49,00,000	—	89,49,00,000
Capital (including Loans) ...	...	11,22,00,000	—	11,22,00,000
Total ... ..	...	1,00,71,00,000	—	1,00,71,00,000
44. Industries and Minerals				
Revenue ... ..	...	4,99,42,000	—	4,99,42,000
Capital (including Loans) ...	...	3,71,15,000	—	3,71,15,000
Total ... ..	...	8,70,57,000	—	8,70,57,000
45. Ports and Lighthouses				
Revenue .. ...	...	77,00,000	—	77,00,000
Capital (including Loans) ...	...	10,00,000	—	10,00,000
Total ... ..	...	87,00,000	—	87,00,000
46. Roads and Bridges				
Revenue ... ..	...	13,00,00,000	—	13,00,00,000
Capital (including Loans) ...	...	13,80,00,000	—	13,80,00,000
Total ... ..	...	26,80,00,000	—	26,80,00,000
47. Road Transport				
Revenue ... ..	...	64,00,000	—	64,00,000
Capital (including Loans) ...	...	6,79,00,000	—	6,79,00,000
Total ... ..	...	7,43,00,000	—	7,43,00,000
48. Inland Water Transport Services				
Revenue ... ..	...	3,48,55,000	—	3,48,55,000
Capital (including Loans) ...	...	2,14,45,000	—	2,14,45,000
Total ... ..	...	5,63,00,000	—	5,63,00,000
49. Tourism				
Revenue ... ..	...	1,24,00,000	—	1,24,00,000
Capital (including Loans) ...	...	2,28,80,000	2,00,000	2,30,80,000
Total ... ..	...	3,52,80,000	2,00,000	3,54,80,000
50. Census, Surveys and Statistics				
Revenue ... ..	...	1,01,00,000	—	1,01,00,000
Capital (including Loans) ...	...	—	—	—
Total ... ..	...	1,01,00,000	—	1,01,00,000
51. Other General Economic Services				
Revenue ... ..	...	21,00,000	—	21,00,000
Capital (including Loans) ...	...	—	—	—
Total ... ..	...	21,00,000	—	21,00,000

1	2	3	4	5
		Rs.	Rs.	Rs.
—	Public Debt (Appropriation)			
	Revenue ... ..	—	—	—
	Capital (including Loans) ...	—	28,76,65,000	28,76,65,000
	Total ... ..	—	28,76,65,000	28,76,65,000
52.	Loans and Advances to State Government Servants, etc.			
	Revenue ... ..	—	—	—
	Capital (including Loans) ...	3,84,00,000	—	3,84,00,000
	Total ... ..	3,84,00,000	—	3,84,00,000
53.	Appropriation to the Contingency Fund			
	Revenue ... ..	—	—	—
	Capital (including Loans) ...	—	—	—
	Total ... ..	—	—	—
	GRAND TOTAL ... ..	5,38,74,23,000	1,02,57,45,000	6,41,11,73,000
	Revenue ... ..	3,78,74,57,000	73,03,80,000	4,51,78,37,000
	Capital (including Loans) ...	1,59,99,71,000	29,33,65,000	1,89,33,36,000

Secretariat Annexe,  
Panaji,  
Dated: 30-7-1993.

B. S. SUBBANNA,  
Secretary to the Government of Goa,  
Law Department (Legal Affairs)